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Watch: Lawyer, Plaintiffs in Rockland County Measles Lockdown Lawsuit Discuss $750,000 Settlement

On this week's edition of "The Defender In-Depth" podcast Michael Sussman, the attorney for the families, joined Paul Jaffe, one of the plaintiffs, and Maureen Satriano, a school nurse, to discuss the outcome and its implications, and share their thoughts on how the county's actions adversely affected the children and their families.

By Michael Nevradakis, Ph.D.

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It was 2019 when Rockland County, New York, children who were unvaccinated for measles and whose families sought a religious exemption for them were barred from school and public places, following a measles outbreak in the region that prompted county officials to issue an emergency order.

The students' exclusion from school, and the county's order, became the subjects of a lawsuit filed by 16 families.

The case was sent to a jury trial in November 2022, after the 2nd U.S. Circuit Court of Appeals decided unanimously to overturn a lower court's finding that Rockland County authorities were justified in issuing the emergency order.

On Feb. 1, just days before the jury trial was scheduled to begin, the families reached a $750,000 settlement with Rockland County, bringing the case to a conclusion.

On this week's edition of "The Defender In-Depth" podcast Michael Sussman,

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the attorney for the families, joined Paul Jaffe, one of the plaintiffs, and Maureen Satriano, a school nurse, to discuss the outcome and its implications, and share their thoughts on how the county's actions adversely affected the children and their families.

'This wasn't really about public health'

Sussman told "The Defender In-Depth" that fundamental issues around religious freedom were at stake in this case — and would have taken center stage in a jury trial.

"I feel strongly that religious rights here were violated, and those involved did have the kind of animus which would have led a jury to that conclusion," he said.

"I also feel equally strongly that New York state violated the rights of many people when it repealed the religious exemption," he added, referring to New York's 2019 repeal of religious exemptions for vaccination, which Rockland County officials lobbied for.

Satriano, who was a nurse at the Green Meadow Waldorf School where her and other plaintiffs' children attended, said she "realized early on that this wasn't really about public health and stopping a measles outbreak."

"In the end, we ended up with 16, I would say, determined and courageous families who really deserve a lot of credit for sticking it out through a lot of stress," Jaffe said.

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Rights of parents, children 'impermissibly restricted and violated'

Sussman said that, in September 2018, the outbreak began in Rockland County after seven people who had returned from Israel were diagnosed with measles.

By December of that year, unvaccinated students at Green Meadow Waldorf School were told they would be barred from attending, "even though there was no outbreak at the school," Sussman said. The county's March 2019 emergency order also barred unvaccinated children with religious exemptions from public places.

"We challenged both of these, and finally a state court judge enjoined their operation, allowing the children to return to school," Sussman said. "We proceeded with federal litigation, seeking monetary damages for the exclusion of these children, in violation of their constitutional rights."

Sussman said that, in court, he and the plaintiffs filed a claim based on the Free Exercise Clause of the First Amendment, because "the rights of the children and their parents to the free exercise of their religion was impermissibly restricted and violated."

Sussman asked the court "to assess whether there was a violation of both the rights of religious freedom, the Equal Protection Clause, the right of free assembly and due process, all of which we felt were implicated in this case" — and in November 2022, the 2nd Circuit agreed.

According to Sussman, Rockland County — because of the settlement — "still denies responsibility for violating anyone's rights."

"But the payment speaks for itself, in my opinion," he said.

Satriano said that she and the plaintiffs feel "grateful" for the settlement, although "There's no amount of money that will undo the harms that were done during that time."

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'Bullying us to meet their aims'

According to Satriano, although "no teacher, [no one related] to the school, no one who lived near the school ever had the measles," unvaccinated students at her school were nevertheless targeted by Rockland County officials.

"What they did was … quarantine the healthy students," Sussman said. The "focus" was "only on those individual children who had religious exemptions," and not those with medical exemptions.

Jaffe and Satriano said the guidance from county public health authorities continuously shifted, with families initially told that a 70% vaccination rate for measles had to be attained at the school — a number that subsequently grew to 95%.

"There was a very clear feeling that they were just, for lack of a better word, bullying us to meet their aims, and obviously running over the law and our legal rights," Jaffe said

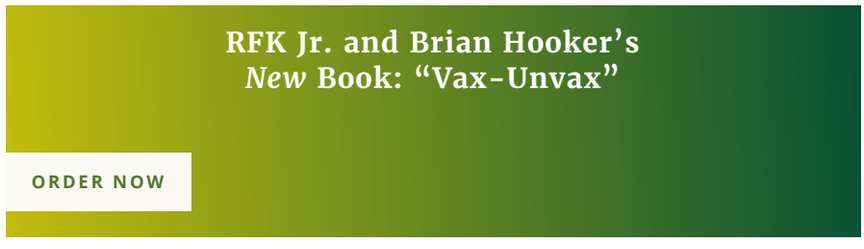
Satriano said county officials "were not very clear about and communicative in … telling us where the cases were and how long [ago or] when they were identified."

According to Sussman, this violated New York state law at the time, which "required the quarantining of the individuals who had measles" — but not healthy individuals.

"We believe that the county officials essentially contravened the law. And this goes to the religious freedom argument in a central way," Sussman said.

"The question is whether that was done for public health reasons or whether that was done because of … a disregard for the religious exemptions these families had, and whether that evinced hostility to religion," he added. "If it did the latter, it was unconstitutional."

"Their focus, by their own admission, was to try … to force up vaccination rates, which trammeled the rights of those who had religious exemptions," Sussman said.



Students, families 'stigmatized'

According to Satriano, students were particularly affected by the county's actions.

"They were, I would say, a little bit bewildered, some of them, by the fact that, at least initially, their classmates were not there," she said. "There was definitely a somber mood at the school."

She added:

> "It was very, very difficult to convey accurate information to the parents as to what was going on and what the end point might be of this situation. It was an ongoing struggle to get the information and get it accurately out to the parents, to the administrators and to the teachers."

Jaffe said that, for his son, "the school was an extremely important place of stability," as he split time between his parents' households after their divorce.

"When he was excluded, that was very difficult," Jaffe said. The situation was "really stigmatizing" for all involved, and particularly for the students in question. "I think it really put these kids in a place where they didn't want to talk about what their situation was," he said.

The situation also was difficult for parents of unvaccinated children, according to Satriano.

"I had parents come to me, utterly in tears or sometimes screaming at me, that they had to go against what their religious beliefs were and vaccinate their children to save the mental health of their kids, who were so isolated and distraught at not being in school with their friends," she said.

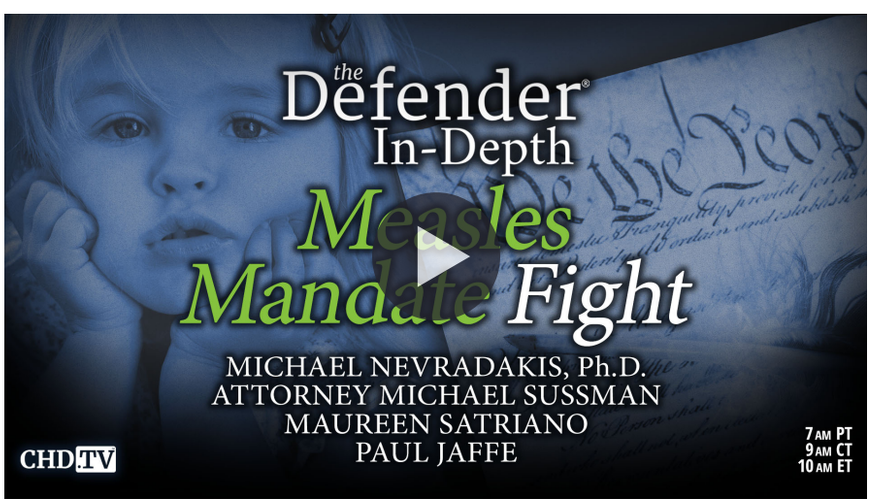
Outcome of case important for religious freedom

Sussman praised the families involved in the case for showing "a lot of courage" and discussed the importance of the 2nd Circuit victory and subsequent settlement.

"There has not been a good deal of judicial sympathy ... for people on this issue," he said. "The public health argument has been viewed as vitiating religious freedom. And what this case says is that that's not true."

"You can't a priori make the argument [that] we need to do this for public health, and that's the end of it," he said. "There were legitimate factual issues we raised and ... the 2nd Circuit recognized that."

Watch this week's 'The Defender In-Depth':



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This article was updated to correct Maureen Satriano's role, which previously indicated that she was a plaintiff in the lawsuit against Rockland County and two county officials. Satriano was not a plaintiff, but her four children attended the Green Meadow Waldorf School, where she was employed as a nurse. Satriano's husband W.D. was a plaintiff in the lawsuit.

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Michael Nevradakis, Ph.D., based in Athens, Greece, is a senior reporter for The Defender and part of the rotation of hosts for CHD.TV's "Good Morning CHD."

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Dave
4 days ago
These families, and attorney Michael Sussman, should be commended for standing up to their local county dictators and bullies, and winning. They show what can be accomplished with unity and perseverance even against a rotten and corrupt system.
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ksj
4 days ago
I saw this live earlier today. GREAT interview on a topic that even local NY media has ignored and forgotten about ever since the 'outbreak'. Thank you CHD for getting the story and these voices out there.
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djr
4 days ago
Absolutely despicable what the county did, especially to the kids. And not just despicable but criminal!
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Julie
4 days ago
Sooner or later, tyrants get unmasked (pun intended). Congratulations to the plaintiffs and their legal team for scoring this victory.
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Suzanne DiNunzio
a day ago
I guess iam confused. If the unvaccinated children did develop measles wouldn't the vaccinated children be protected? What was the problem?
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lakewoodsteve → Suzanne DiNunzio
3 hours ago
You are not supposed to ask question like that! It disturbs the primortel forces! You will be made to atone!
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lakewoodsteve
3 hours ago
We should all learn to trust the 5 billion in fruad fines Big Pharma's, "medicine" who are also the leaders in cause of death! see the book, Death by Medicine!
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Suzy
8 hours ago
The sick thing about it is, if you look at the statistics from all recent measles outbreaks (at least the last few decades), the majority of those with "the measles" were vaccinated with MMR.
If people would be aware of these things and demand that public health serpents "follow the science," this would never happen.
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